

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION

UNITED STATES OF AMERICA,)
Plaintiff,)
)
v.)
)
MAGDALENA AKHTER,)
Defendant,) CASE NO. W-13-CR-052(2)-WSS
)
and)
)
NEW YORK LIFE INSURANCE)
COMPANY,)
Garnishee.)

CLERK'S NOTICE OF POST-JUDGMENT GARNISHMENT

TO: Magdalena Akhter

You are hereby notified that this money/property is being taken by the United States Government ("the Government"), which has a court judgment in Case No. W-13-CR-052(2)-WSS, in the Western District of Texas, Waco Division, in the amount of \$295,837.64 comprised of restitution of \$295,737.64 and a special assessment of \$100.00.

In addition, you are hereby notified that you have the right to claim exemptions from the Writ of Garnishment, to request a hearing, and to request a transfer of these proceedings (if applicable), as more fully described below. You may use the attached form to exercise these rights.

There are exemptions under the law which may protect some of the property from being taken by the Government if you can show that the exemptions apply. A detailed explanation of the exemptions is contained in the attached form. The right to exempt property from this claim is established by federal law, 18 U.S.C. § 3613. If you don't understand your rights, you may wish to seek advice as discussed below. You have a right to

ask the court to return your property to you if you think that you do not owe the money to the government that it says you do. If you think the property the government is taking qualifies under one of the exemptions, you may use the enclosed form to claim those exemptions. You must either mail it or deliver it in person to the Clerk of the United States District Clerk, Western District of Texas, United States Courthouse, 800 Franklin Ave., Suite 380, Waco, TX 76701.

If you want a hearing, you must notify the court within 20 days after receipt of this notice. Your request must be in writing. If you wish, you may use the attached form. You must either mail it or deliver it in person to the Clerk of the United States District Clerk, Western District of Texas, United States Courthouse, 800 Franklin Ave., Suite 380, Waco, TX 76701. You must also send a copy of your request to the United States Attorney for the Western District of Texas, Attn: AUSA Kristy K. Callahan, 601 N.W. Loop 410, Suite 600, San Antonio, Texas 78216, so the Government will know you want a hearing. The hearing may take place within 5 days after the Clerk receives your request, if you ask for it to take place that quickly, or as soon after that as possible. The court will issue an order advising you of the time, place and date of the hearing. At the hearing you may explain to the judge why you believe the property the Government is taking is exempt or why you think you do not owe the money to the Government. If you do not request a hearing within 20 days of receiving this notice, the proceeds from the garnishment will be paid on the debt you owe to the United States Government.

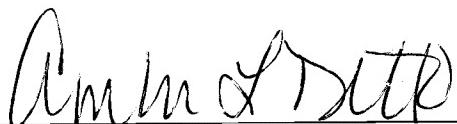
If you think you live outside the Federal judicial district in which the court is located, you may request, not later than 20 days after you receive this notice, that this proceeding to take your property be transferred by the court to the Federal judicial district in which you

reside. You must make your request in writing, and either mail it or deliver it in person to the Clerk of the Court at the United States Courthouse, at 800 Franklin Ave., Suite 380, Waco, TX 76701. If you wish, you may use the attached form. You must also send a copy of your request to the United States Attorney for the Western District of Texas, Attn: AUSA Kristy K. Callahan, 601 N.W. Loop 410, Suite 600, San Antonio, Texas 78216, so the Government will know you want the proceeding to be transferred.

Be sure to keep a copy of this notice for your own records. If you have any questions about your rights or about this procedure, you should contact a lawyer, an office of public legal assistance, or the clerk of the court. The clerk is not permitted to give legal advice, but can refer you to other sources of information.

DATE:

April 10, 2014


Amie L. Ditt
UNITED STATES DISTRICT CLERK
WESTERN DISTRICT OF TEXAS

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WACO DIVISION

UNITED STATES OF AMERICA,)
Plaintiff,)
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MAGDALENA AKHTER,)
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)
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**DEFENDANT'S REQUEST FOR HEARING, CLAIM FOR EXEMPTIONS, and/or
REQUEST FOR TRANSFER**

You are entitled to a hearing if you can demonstrate that you do not owe the money to the Government or you are asserting that the property subject to garnishment is exempt pursuant to 18 U.S.C. § 3613(a)(1). *See* 28 U.S.C. §§ 3202 and 3205(c)(5). You bear the burden of proving such grounds. 28 U.S.C. § 3205(c)(5).

If claiming an exemption or requesting a hearing, please complete the following form by checking the space next to applicable section. You must mail or deliver the original of this form to the United States District Clerk and mail a copy to the United States of America as explained in the attached Clerk's Notice of Post-Judgment Garnishment to Defendant. *See* 28 U.S.C. § 3202(b).

I. CLAIM FOR EXEMPTIONS

- I request a hearing based on the exemption(s) checked below:

_____ Wearing apparel and school books. 26 U.S.C. § 6334(a)(1).

- ____ Fuel, provisions, furniture, and personal effects that do not exceed \$8,940. 26 U.S.C. § 6334(a)(2) & (g).
- ____ Books and tools of a trade, business, or profession that do not exceed \$4,470. 26 U.S.C. § 6334(a)(3) & (g).
- ____ Unemployment benefits. 26 U.S.C. § 6334(a)(4).
- ____ Undelivered mail. 26 U.S.C. § 6334(a)(5).
- ____ Certain annuity and pension payments – Annuity or pension payment under the Railroad Retirement Act, benefits under the Railroad Unemployment Insurance Act, special pension payments received by a person whose name has been entered on the Army, Navy, Air Force, and Coast Guard Medal of Honor Roll (38 U.S.C. § 1562), and annuities based on retired or retainer pay under Chapter 73 of Title 10 of the United States Code. 26 U.S.C. §6334(a)(6).
- ____ Workmen's compensation. 26 U.S.C. § 6334(a)(7).
- ____ Judgments for support of minor children pursuant to a court judgment entered prior to the date of levy to contribute to the support of a defendant's minor children. 26 U.S.C. § 6334(a)(8).
- ____ Certain service-connected disability payments. 26 U.S.C. § 6334(a)(10).
- ____ Assistance under Job Training Partnership Act. 26 U.S.C. § 6334(a)(12).

II. REQUEST FOR HEARING

- I request a hearing because I do not owe the money to the Government.

Explain: _____

III. REQUEST FOR TRANSFER

- I request a transfer to the federal judicial district in which I reside, which is the _____ District of _____ (state).

Defendant's Signature: _____

Date: _____

Address: _____

E-mail: _____

Daytime Telephone: _____

CERTIFICATE OF SERVICE

I certify that on _____, I mailed a copy of this form to the following:

New York Life Insurance Company
c/o C T Corporation System
111 8th Avenue
New York, NY 10011

Kristy K. Callahan
Assistant United States Attorney
601 NW Loop 410, Suite 600
San Antonio, TX 78216

Signature of Defendant